

HOWNIKAN

PEOPLE OF THE FIRE

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Citizen Band Potawatomi Tribe

September, 1986

Claims tribe 'was easy'

Schoemann admits profits, drops libel suit

A federal court has found that John Schoemann "breached his fiduciary duty" while Citizen Band administrator by promoting a land deal which yielded him a \$54,125 profit and by using money intended to feed elderly Indians to buy himself a set of golf clubs.

The finding is contained in a judgment filed this month in United States District Court in Oklahoma City. The judgment, signed by state Rep. Steve Lewis as Schoemann's attorney and Michael Minnis as the tribe's attorney, ends a three-year legal hassle which has cost the Citizen Band more than \$80,000 in lawyer's fees.

In related documents filed with the judgment, Schoemann and his wife Paula agreed to allow a judgment of \$54,545 to be entered against them. They also agreed to pay the tribe \$355.20 to cover the costs of the golf clubs and a golf bag.

Schoemann and impeached Business Committee member Mel Maritt also acknowledged "that they have no cause for action" and dropped a libel suit they filed against tribal officials in 1983.

Schoemann and Maritt, along with former Business Committee members Mary Lynn Hillemeier and Billy Burch brought suit against John Barrett, Thelma Bateman, C.B. Hitt and Leon Bruno in October, 1983, charging them with making libelous statements in the HowNiKan, the Shawnee News-Star and the Tecumseh Countywide News. In September, 1983, the HowNiKan ran two separate articles reporting FBI investigations of Schoemann's involvement in a "land use scheme" to make a profit by leasing personal property to the tribe's USDA program and for mishandling funds generated by a tribal bingo game under his supervision. Burch and Hillemeier later dropped out of the suit and Bateman was dropped as a defendant.

While tribal administrator in 1983, Schoemann had purchased a 16.26-acre tract the tribe needed to fulfill a contract negotiated by Schoemann with the United States Department of Agriculture. While

supervising the construction of a building on the land to conform with USDA specifications, Schoemann had his contractor submit a phony invoice to the tribe for \$11,000. Schoemann's two Business Committee allies — Mel Maritt and Bill Burch — signed a check for this amount drawing funds from a tribal account maintained for the USDA grant. In July, 1983, two weeks after Schoemann was fired for insubordination, his contractor paid Schoemann \$11,000. In order to fulfill the requirements of the USDA contract, the tribe was later forced to purchase the land and building owned by Schoemann. In a sworn deposition given by Schoemann on August 22, 1985, Schoemann revealed his personal profit from the sale.

Schoemann: "The money that I borrowed to build the building and buy the land was on one note and then when the tribe wanted to buy it, the monies that were owed against the land and the buildings minus the purchase price was given to me in a check."

Q. Do you remember how much that was?

Schoemann: "40 some thousand dollars."

Q. So you made a 40 some thousand dollars profit on this?

Schoemann: "Yes. They were easy."

Schoemann also used federal monies received by the tribe for the purpose of feeding elderly Indians to establish a "slough" fund for various purposes—including the purchase of golf clubs and a monogrammed bag for himself.

In the suit against tribal officials Schoemann alleged they had also libeled him by reporting that the FBI and BIA were investigating him for misuse of tribal funds, stemming from a bingo operation he oversaw for the tribe. Schoemann paid himself and others in cash, but kept no receipts and paid no taxes. As recently as June, 1986, the FBI advised the investigation was continuing.

Schoemann was also the cause of peripheral litigation over the last three years. The tribe was forced to fight a jurisdictional battle



Schoemann

stemming from the libel case filed in state court. The tribe also pursued litigation charging that Schoemann and Maritt were illegally prosecuting a civil libel suit in state court. Schoemann had also been a party to the 1984 General Council seizure of the administrative building and had participated in a phony "council" meeting which purported to unseat the elected administration. In 1985 Schoemann ran for chairman of the tribe and upon defeat was a party to

two election dispute lawsuits against the duly elected officials. In September, 1985 the tribe brought suit against Schoemann and his wife in federal court seeking to prove that Schoemann, as tribal administrator, had breached his fiduciary duty, violated federal statutory and regulatory law, as well as tribal law, and should be made to account for the monies he improperly gained at the tribe's expense. Over the last three years the tribe's legal expenses to fight the libel suit, bring suit against Schoemann and follow through on the jurisdictional battle brought by Schoemann filing in state court have exceeded \$80,000. Expenses incurred by the several election disputes would bring the total closer to \$100,000.

In the September, 1986 settlement agreement Schoemann and Maritt "acknowledge that they have no cause of action against Barrett, Hitt and Bruno" on the libel litigation "because the gist of the factual statements in these

(cont. pg. 8)

Bingo management group may owe tribe \$200,000

According to records on file with the Oklahoma Supreme Court and the Oklahoma Tax Commission, the present tribal bingo operators may have underpaid the Citizen Band Potawatomi Tribe \$200,000 or more.

Enterprise Management Consultants, Inc. (EMCI) has appealed an Oklahoma Tax Commission assessment of \$167,000 arising out of bingo proceeds in 1983, 1984, and part of 1985.

This tax assessment is on the proceeds of bingo games operated by EMCI under a 1982 management agreement. In this agreement EMCI agreed to pay the tribe 35 percent of the gross bingo game proceeds after prize

payments and 15 percent of the gross concession proceeds. The tax records filed with the Oklahoma Supreme Court indicate that EMCI grossed \$2.3 million during this period.

Tribal records, however, reflect that EMCI only paid the tribe an estimated \$190,000.

In discovery conducted in a suit filed by the tribe against EMCI, the tribe discovered documents reflecting that EMCI's prize payout was 39 percent of its gross receipts in 1985.

Deducting this 39 percent prize payout figure from the \$2.3 million in gross receipts reported in EMCI's tax appeal, the tribe

(cont. pg. 8)



Letter from the Chairman

Dear Tribal Members,

It must seem to most of you that this column is a little bit dry and wordy at times. While I feel an obligation to touch on issues vital to us as a tribe and a family, I don't mean to overlook the need for more personal communication or reflection. Here at the tribe the pace of business is such that it becomes very hard to back up and look at things objectively. Not often enough do we pause and ask ourselves, "How important will this issue be next year, or ten years from now or fifty years from now."

Our families became this tribe at least 300 years ago. It has survived as part of the Algonquin Nation for thousands of years. Has the pace of modern times compressed the history of our people to the point that what happens now will have a more profound effect than what happened over the last 50 years? As a government, that may be partially true. As a people, I doubt it. Our families were then part of an entity in which each person, clan leader, family, head and chief had the right to "go his own

way." What motivated our people toward the common good was enlightened self-interest. Each member weighed the decisions of the tribe's leadership based on "how does this affect me and my family first." I hope our tribal leaders never lose sight of that.

As dual citizens, both American and Potawatomi, we are unique to this country. Our obligations as citizens of the United States have the imperative of law - we must obey the law, pay our taxes, serve in the common defense, and demonstrate our loyalty. Our obligations to the tribe have no such imperative. You are under no obligation to the tribe save your obligation to your roots and the generations to come.

Life is short. The Lakota people's philosophy is to start each day with the words, "It is a good day to die," meaning "live each day to the fullest because it might be your last." I hope that each of you can find time in your days to reflect on your heritage and consider the Potawatomi leadership. Are we preserving the tribe for generations to come? Are we performing in a way that helps your family? If we are not, please tell us.

The old time Potawatomi used to "vote with their feet." They simply walked away from leadership they did not approve of. We can't do that now and save the tribe for generations to come. Now we vote in the white man's way.

You will soon have before you two issues on the Constitution: the

Tribal Charter and terms of office. The Business Committee is presenting these issues to you for approval or disapproval. We think they are in the tribe's best interest and that of your family. Only 7.7 percent of you voted in the last election. Are you still "voting with your feet or are you just short of time?" Consider first your decision to vote at all in light of the next generation of Potawatomi. Give them the right to decide for themselves. That is the obligation we all face. The time may come again when we will all need to act for our common good as a tribe. In the short run, we can look at each day as "a good day to die," and face it with courage, faith and resolve. In the long run, we must survive as a people. **Megwetch Nikon**

P.S. The tribe has prevailed in the Schoemann lawsuits. What was at issue was not just recovering money rightfully ours. The real issue was whether we, as a sovereign government under the United States Constitution, could protect ourselves from the imposition of the Oklahoma courts on our internal affairs. When wrongdoers are caught, they cannot run to state courts to retry decisions of the tribe under the guise of a libel suit or any other form of litigation. Men like Schoemann can only get away with things like that in a vacuum - not enough people voting, no newspaper and no access to tribal information.

For the record

Sept. 8, 1986

Present: John Barrett, Doyle Owens, Kenneth Peltier, Francis Levier, Pat Sulcer; Committeeman Bob Davis to be contacted by phone

Chairman John Barrett called the special meeting to order at 12:30 p.m.

Doyle Owens moved to approve General Council appropriation 87 - 4, reimbursing General Account for \$2,329.44 for work on the Long Room and golf course cart path repairs. Kenneth Peltier seconded; passed 4-0. (Account balance \$211,371.28)

Kenneth Peltier moved to approve General Council appropriation 87 - 3, reimbursing General Account for \$15,382.28 for work on the pow wow grounds. Doyle Owens seconded; passed 4-0. (Account balance \$213,700.72)

Doyle Owens moved to approve General Council appropriation 87 - 5, reimbursing General Account for \$3,296.92 for July and August maintenance expenses. Kenneth Peltier seconded; passed 4-0. (Account balance \$208,074.36)

Francis Levier moved to approve a \$200 donation to the Potawatomi Bowling League from the community services fund. Doyle Owens seconded; passed 4-0.

Discussion was held on repairs needed at the golf course.

Doyle Owens moved to approve a proposal submitted by the tribal golf pro to purchase the pro shop inventory on an approved monthly payment plan. Francis Levier seconded; passed 4-0.

Meeting adjourned at 1:20 p.m.

House stalls IHS reg changes

The House of Representatives has voted to block the Reagan administration's proposal to deny Indian Health Service (IHS) benefits to Indians of less than one-quarter blood degree.

IHS had not yet decided to implement the blood degree restriction that has met with vehement opposition from the Indian tribes. The comment period for the controversial proposal is due to end October 19, at which time IHS could have either abandoned or adopted the proposed eligibility limitations.

The move by the House was aimed at preempting action by the agency. By a voice vote, congressman approved a two-year ban on any IHS eligibility changes. The ban was added to a five-year, \$241 million authorization bill for Indian health programs.

Oklahoma Rep. Mike Synar introduced the measure, labeling the proposed limitations "unconstitutional" and "inappropriate." Synar was joined on the floor by Reps. Jim Jones and Wes Watkins (D-Okla.) who urged support for the amendment.

The Senate must now concur with the House action if the IHS is to be legally prevented from adopting the one-quarter blood degree restriction. The Senate has not taken any action to date on the matter but is expected to hold hearings in early 1987 - or possibly later this year if Congress meets for a lame duck session.

Museum report

The Potawatomi Tribal Museum and Trading Post entertained visitors from around the world throughout the month of August. Museum Curator B.J. Rowe reports the following figures from the museum's August guest book:

Oklahoma — 83
New York — 3
Texas — 14
California — 7
Pennsylvania — 1
Canada — 1
Montana — 1
Indiana — 5
Germany — 1
South Carolina — 2
Florida — 3
Alabama — 2
Missouri — 4
Kentucky — 2

HOW-NI-KAN PEOPLE OF THE FIRE

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Change of address, submissions and subscriptions should be mailed to Route 5, Box 151, Shawnee, Oklahoma 74801.

Citizen Band Potawatomi Business Committee

Chairman — John "Rocky" Barrett
Vice Chairman — Doyle Owens
Secretary-Treasurer — Kenneth Peltier Sr.

Committeeman — Dr. Francis Levier
Committeeman — Bob F. Davis

HowNiKan Editor
Patricia Sulcer



Regional Council report

Regional Council meetings held in Denver and Chicago have resulted in dozens and dozens of tribal members discovering their roots and rediscovering pride in their heritage. (Top left: Chairman John Barrett addresses the Chicago Council. Bottom left: Kenneth Peltier, Dr. Francis Levier. Bottom right: Chairman Barrett honors Bill Wamego, Tulsa, Oklahoma, for traveling the farthest to attend the Chicago Council.)



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0.8 mg. nicotine; Filters Box: 11 mg. "tar", 0.8 mg. nicotine; Filters 100's: 11 mg. "tar", 0.9 mg. nicotine av. per cigarette, FTC Report Jan '85.

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In your opinion

Ms. Sherri Goble, Prosthetics Foundation,

Dear Friends, a special thank you for the check for my glasses. I thank God for my vision and will know May 8th how my lungs are.

I want you to know I read the HowNiKan from cover to cover. I wrote Senator Nancy Kassebaum and also sent her the clipping about the Navajos. She has always been good to us.

I wish I knew what to do too about the Oklahoma government situation but being a Kansan I can pray that he (Turpen) doesn't get elected.

I remember what a struggle it was to get the BIA to release to you management of your own affairs. I think the ones in there are doing a good job. I also wrote for three ballots so me, my son and daughter could vote.

We have a Governorship coming up here in two years or maybe less. I hope we get the right one in. Kansas used to show a surplus and now all we hear is deficit. Welfare has been hit hard. Right here where I am I can see the results of some of it. My prayer is to be able to leave here in the near future.

Please send me another form if it's not asking too much. I need a hearing aid. Right now it's so difficult not hearing well but I've had to wait. God has helped me bear it.

Thank you and God bless all of you and may you continue on, stronger and better all the time. Knowing there is someone who will listen and help sure helps me to bear up and try harder.

M. Schuyler

Topeka, Kansas

(Editor's Note: All enrolled tribal members are eligible for assistance with health aids devices. Contact Sherri Goble at the tribal complex.)

Editor,

We wish to thank everyone who worked to make our day meeting and lunch at the Americana Congress Hotel in Chicago such a pleasant one.

All of the information given us by Chairman John Barrett was so interesting, and the hand-outs are great. They make for very good reading this week.

The lady (B.J. Rowe) who was from the museum was so helpful and nice; also Committeeman Bob Davis, who sat with us at lunch.

Thanks again,

Randy, Elaine & Stephen
Arseneau

Dear Editor,

After talking with (former tribal rolls secretary) Lori Bowlan about my current educational and scholastic achievements she suggested passing on some of the information to you for possible publication in the HowNiKan.

I will give you a brief history,

where I'm standing and future plans. My motivations of achievement through higher education were instilled in me by my grandfather, Mark Bourassa, a full-blood Potawatomi. He often stressed the need for our people to get an education and to, further, take on leadership positions if we were to survive in a future that only predicted uncertainty for not only the Potawatomis, but all American Indians as well. Due to his proud influence, I have chosen to enter the medical profession. I feel that by becoming a physician I can benefit our people and repay my grandfather's spirit.

I entered the University of California, Irvine, in the fall of 1983 as a biological sciences major. Since that time I have not always succeeded highly in my undergraduate education, but my motivations have led me to initiate the first American Indian organization at UCI, do needed volunteer clinical work on three local California reservations, become involved with biomedical research dealing with the effects of aging and, most recently, to the Harvard Health Professions Program put on by Harvard Medical School.

I am currently at Harvard and about halfway through the program. Seventy students were chosen out of a pool of over 500 applicants. The program consists of two classes (microbiology and health policy), a clinical preceptorship with a surgeon at the Massachusetts General Hospital in Boston, and other various workshops and practice interviews designed to ease the transition into medical school. I am also currently applying for the 1987 / 88 entering medical school class. I hope to be accepted by mid-winter 1987.

Future plans are to obtain my M.D. degree and to go into practice as a primary care physician for an area Indian Health Services clinic. My plans are not limited to just the health care needs of our people but organizational as well. I plan to pursue additional education in public policy so that I will be able to advocate the needs of our people to both the private and ever so important public (e.g. government) sector.

Sincerely,

Brett Brinton

San Bernadino, Ca.

Dear Editor,

I am searching for information concerning my family —Vieux and Ogee.

My grandmother was Elizabeth (Liza) Jane Ogee and grandfather was Johnnie Vieux.

I will appreciate any information. Hoping for lots of mail!

Jean Clark

601 Lincoln

Derby, Ks. 67037

Editor,

We need help in locating records of citizenship given to Pottawatomie Indians who located in Pottawatomie County, Kansas around 1845 and 47. Also, we are looking for a census or list of those Indians who went to Kansas from Michigan, Iowa and Indiana.

My father is listed on the 1880 census as one-half Indian. All his children are listed as one-eighth and we wish to correct this error.

W.L. Slavin

6109 S. Dewey

Oklahoma City, Ok. 73139

Dear Ms. Sulcer,

I've recently been doing a little genealogy research for our family. In my digging I've come up with these two photographs that you might be interested in publishing. The photo's are of Oscar LeClair (full degree of blood Potawatomi), the father of Ruby (LaClair) Rogers and Rudolph LaClair. The second photo is of Oscar LeClair and his wife Ira (Bohannon) LeClair. Oscar was an original allottee in the Citizen Band, with an allotment near the Cleveland, McClellan and Pottawatomie Counties in Oklahoma. Oscar LeClair was also the brother of Mary Adelaide (LaClair) Edwards. Both Ruby (LaClair) Rogers and Rudolph LaClair were born on the Citizen Band allotment awarded Oscar LeClair after he moved from the Prairie Band Reservation in Kansas to Oklahoma.

This is the information as I now have it. If there is anyone in the Potawatomi Tribe who can correct, clarify or expound this part of our family history, we would love to hear from them.

Dan LaClair

1300 N. Pate St. 160F

Carlsbad, N.M. 88220



Mr. & Mrs. Oscar LeClair



Legislatures' organization to take vote on denying tribal taxation authority

A resolution asking Congress to prevent Indian tribes from exercising governmental powers over non-Indians—including taxing authority—will be presented this fall for a vote by members of the National Conference of State Legislatures. The resolution has already been endorsed by the Energy and Natural Resources Committee of the Conference.

"I was really surprised at the broad base of support," said Utah state senator Glade Sowards, chairman of the committee. "Usually you have some more liberal legislators who think you're trying to block the rights of minorities. But there was no opposition to the concept of the resolution."

The proposal was drafted by Utah's Duchesne County Attorney Dennis Draney who said, "It basically opposes any extension of governmental powers to a body not elected by the people it governs." The proposal originated with a court battle in Utah over boundaries of the Uintah and Ouray Reservation in northeastern Utah. County officials are appealing to the Supreme Court a ruling restoring the reservation's original boundaries and essentially doubling its size. The new reservation boundaries would envelop the non-Indian towns of Roosevelt and Duchesne. The dispute centers on the civil jurisdiction of the tribal government over these predominantly non-Indian communities.

National News

Art Institute scholarships

Scholarships are available to Native Americans at the School of the Art Institute of Chicago.

The Art Institute is one of the largest, oldest and best regarded art and design colleges in the country and offers bachelor's and master's degrees in fine arts.

For more information call the Office of Admissions at (312) 443-3717.

Science magazine published

The American Indian Science and Engineering Society, headquartered in Boulder, Colorado, is publishing a quarterly magazine called **Winds of Change**. Included in the second issue is a guest editorial by Vine Deloria, Jr., on American Indian Metaphysics that discusses some of the conflicts between cultural and traditional wisdom and scientific knowledge. Other articles deal with educational programs of special merit or interest.

Subscriptions are available for \$18 annually. For further information contact AISES, 1310 College Ave., Suite 1220, Boulder, Colorado 80302.

OU offers grants

Educators of Native American ancestry are eligible for grants to pursue a master's degree in elementary or secondary school administration through the University of Oklahoma College of Education.

The education college recently was awarded a 12-month "Foundations in Native Education" grant to administer a program for the Indian Education Program division of the U.S. Department of Education. The award included funding for eight fellowships to be awarded to Native American educators who want to pursue their graduate degrees.

At the completion of the 12-month program, a graduate should be eligible for an administrative position in a public school system.

"The basic intent of the FINE program is to provide professional opportunities in educational administration for the Native American population in Oklahoma," said Jerry Bread, FINE program coordinator. "Over 95 percent of the Native American children in the state attend public schools. Many of those schools have a significant population of Indian students.

"The FINE program provides

the opportunity for Native American educators to obtain the necessary credentials for principalships in public schools and to serve as positive role models for those Native American students once they are employed by school districts," Bread said.

Criteria for selection of fellows includes a bachelor's degree in education or a related field, at least two years' teaching experience, an up-to-date teacher's certificate, evidence of Native American ancestry and a desire to contribute to society.

The fellowship award consists of a monthly living allowance, tuition and fee waivers and a book allowance.

Requests for applications should be sent to Jerry C. Bread, coordinator, Foundations in Native Education Program, OU College of Education, 820 Van Vleet Oval, Norman, OK 73019; telephone 405/325-5463.

Broadcasting group provides services

The Native American Public Broadcasting Consortium (NAPBC), a nonprofit organization, was established in 1977 to encourage the "creation, production, promotion, and distribution of quality programming by, for and about Native Americans." The NAPBC provides services in program development, production, and distribution; feasibility studies and research in Native American telecommunications; consulting services for film, video and radio production, as well as training, networking and job referrals.

NAPBC also offers a variety of video programs for rent, some of which are also for sale, that include "100 Years of Muscogee (Creek) Art," "Herman Red Elk: A Sioux Indian Artist," "Indian Arts at the Phoenix Heard Museum," and "American Indian Artists—Part I and II." For information on available services and films, contact Native American Public Broadcasting Consortium, Inc., P.O. Box 83111, Lincoln, Nebraska 68501.

Navajo art featured on stamps

The U.S. Postal Service provided details August 14 on a block of four Folk Art Series stamps celebrating Navajo art. The stamps were created by Derry Noyes, a Washington, D.C. graphic artist and a design coordinator for the Citizen's Stamp Advisory Committee. Ms. Noyes based her work on actual Navajo blankets, three of which are housed in the Museum of the American Indian in New York City. The fourth blanket is displayed at the Lowe Art Museum in Coral Gables, Florida.

Newspapers form job bank

New England newspaper organizations are working together to establish a job bank that would make known to minority candidates the opportunities for employment in all phases of the business at New England papers. The New England Newspaper Association, the New England Society of Newspaper Editors, American Society of Newspaper Editors, the Connecticut Daily Newspaper Association, Society of Professional Journalists—Sigma Delta Chi, New England Newspaper Advertising Executives Association, Northeast Classified Advertising Managers Association, New England Association of Circulation Executives and New England Newspaper Operations Association are all cooperating in the effort to assist minorities in the media field.

According to Robert C. Achorn, president of the New England Newspaper Association, the plan is to maintain a list of job openings in editorial, advertising, circulation, mechanical operations and business departments at New England newspapers. The list will be available to any minority person seeking employment at a newspaper. Additionally, minority candidates for jobs may file a resume with NENA.

For further information contact the New England Newspaper Association, Inc., Minority Job Bank at 70 Washington St., Salem, Massachusetts 01970.

UC Berkeley financial aid

Financial aid is available to qualifying Indian students who are applying for graduate degree programs in public health at the University of California, Berkeley, according to Elaine Walbroek, outgoing director.

According to Walbroek, "Today, more than ever, financial help is necessary for education continuation." The University of California at Berkeley has one of the highest support programs of any university through its financial aid office and Graduate Minority Scholarship program. Most of the 126 Indian and Alaska Native students who have received their MPH degrees from Berkeley have had assistance from the Graduate Minority Program to help them graduate.

Requirements for graduate school at Berkeley are: a baccalaureate degree from an accredited college—university; an acceptable grade point average as an undergraduate; GRE testing; and applications submitted by February 10, 1987 or before.

For information on the various

graduate programs and on financial assistance contact the American Indian Graduate Program (415) 642—3228 (collect) or write to: American Indian Graduate Program, 140 Earl Warren Hall, University of California, Berkeley, Ca 94720.

Apaches destroy BIA road

A Bureau of Indian Affairs road on the San Carlos Apache Reservation in Arizona has been destroyed by order of the tribal council.

The alleged reason for the tribal action was that the road led to a store operated by a tribal member that was in competition with a store operated by the tribe. Assistant Phoenix Area (BIA) Director Walt Mills wrote the tribe: "Future (road) projects will be withheld until full restitution is made and we have assurances by a tribal council resolution that roadways within our right of ways will not be damaged or interfered with in any way. The BIA did not abandon the roadway or in any way authorize the tribe to destroy it. The tribe acted alone in the destruction of federal government property, and we are hereby demanding that full restitution be made."

There has been no response from the tribe to Mill's letter.

Arizona denies Indian assistance

Arizona's health care program for the needy has gone to court, challenging federal efforts to force the state to pay the medical bills of thousands of Indians living on reservations.

Arizona Health Care Cost Containment System officials fear that adding perhaps as many as 55,000 patients to their roles without additional funding could bankrupt the program. The AHCCCS suit asks U.S. District Judge Charles Hardy to rule that federal agencies bear the responsibility for medical treatment of reservation residents. The suit contends that the U.S. Department of Health and Human Services and one of its agencies, Indian Health Service, have divested themselves of that role although Congress has not changed the decades-old laws spelling out the "unique trust relationship" between the federal government and reservations.

Sovereignty watch

Administration opposes Massachusetts claim

Interior Assistant Secretary for Indian Affairs Ross Swimmer told a congressional hearing on June 26 that the Administration opposed a bill that would give the Wampanoag Indians of Gay Head, Massachusetts, more than \$3 million to settle a claim to approximately 240 acres of land presently held by the town of Gay Head.

Swimmer told the House Interior and Insular Affairs Committee that he opposed the bill because proposed findings indicated that the Gay Heal Wampanoag community did not meet two out of the seven criteria of the law to be recognized as an Indian tribe with a government-to-government relationship with the United States. He said research done by the Bureau of Indian Affairs (BIA) indicated that the group did not meet (1) criterion "b" of 25 CFR 83.7 which required evidence that a substantial portion of the petitioning group inhabited a specific area or lived in a **community** viewed as American Indian and distinct from other populations in the area; and (2) criterion "c" which requires proof that the group has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

Swimmer told the Committee the BIA established that the group was of American Indian descent and they had produced a membership role and a governing document, "but without meeting the other criteria, our proposed finding is that there is no tribe and, therefore, there can be no claim." The claim is based on a law that can be invoked only by an Indian tribe. He said the tribal governing body developed into a governing body for the Town of Gay Head "the same as all other cities and towns have in Massachusetts." Swimmer emphasized that BIA findings were preliminary and that the Wampanoag group would have 120 days to challenge them. "If they have additional information that will meet those two criteria, we will be glad to consider it," he said. Swimmer has 60 days following the 120-day challenge period to consider any new information that is submitted before making a final decision.

Civil Rights Commission takes Sioux testimony

According to an August 12 report in the **Washington Post**, the chairman of the U.S. Civil Rights Commission has decided to challenge the authority of tribal governments on Indian reservations. Chairman Clarence Pendleton conducted hearings on

July 31 and August 1 in Rapid City, South Dakota, looking into civil rights violations on three reservations.

Members of the Rosebud, Cheyenne River and Oglala Sioux Tribes testified at length about alleged unfairness in their tribal courts, corruption and nepotism in their tribal governments and brutality, illegal arrests and imprisonments without trial by tribal police. Several tribal officials did participate in the hearings, but nine who had previously agreed to testify, decided not to come. Pendleton issued subpoenas requiring them to testify before the commission later this month. Pendleton said of the testimony he did hear, "I was shocked. There is no equal protection for people. There is no due process for people..."

The subpoena issue is sensitive because Indian tribes have long asserted autonomy in how they run the reservations. The U.S. Supreme Court has ruled that Indian tribes were never brought under the provisions of the original Bill of Rights when it was adopted in 1791. After Congress passed the 1968 Indian Civil Rights Act, the Supreme Court ruled that the law was enforceable only in tribal courts. A former chief judge from the Rosebud Reservation testified that the Indian Civil Rights Act was worthless because it is not being enforced.

Alaskan candidates deny Native sovereignty

A survey of Alaska legislative candidates, conducted by the **Anchorage Daily News**, showed the Alaska Native Sovereignty movement is not receiving much support from state politicians.

Forty-seven of 88 candidates said they would **not consider Native sovereignty in any form**. According to the news article, "To many, Native sovereignty conjurs up images of political potentates, dictatorships, arrogant overlords, martial law, kings, emperors and czars. And fear of a radically divided society lingers." One candidate for a House seat told the newspaper, "The so-called sovereignty provisions are not in the best interests of Native people, and are not consistent with the spirit of U.S. and Alaskan constitutions."

Twenty-five of the candidates said the issue was too complex for a simple yes or no answer. According to Al Adams, House Finance Chairman, the issue couldn't be solved without federal court action. He said the sovereignty issue will remain unresolved until the federal district court rules on whether villages in Alaska are in fact tribes—the same as American Indian tribes in the lower 48 states.

U.S. Senator Ted Stevens told the Alaska Legislature in 1983, "It has, and will continue to be my position that native village sovereignty is a

matter for our state, through this legislature and the governor, to determine.

Only three of Alaska's legislative candidates told the newspaper they believed Native sovereignty was a federal issue.

Bradley challenges IRS opinion

Senator Bill Bradley of New Jersey, with Senator Daniel Evans of Washington, has introduced a legislative amendment (endorsed by the Potawatomi Tribe) to clarify the income tax exemption of Indian fishing treaty rights.

According to Bradley, "The amendment will stop an attempt by the Internal Revenue Service to impose Federal taxes on Pacific Northwest tribal fishermen on income derived from treaty designated waters." Evans explained that the amendment was intended to rectify a wrong which the Internal Revenue Service imposes on Northwest Indians "who have treaties with the United States and who have operated under those treaties for more than 130 years."

Evans noted that the Solicitor for the Department of the Interior had disagreed with the IRS, but the Justice Department had supported the IRS opinion. The amendment states: "Income derived by an Indian from fishing, whether for commercial or subsistence purposes, shall not be subject to, or taken into account in determining any income tax imposed by the Interior Revenue Code."

Hornswoggling continues

The **Washington Post** published an editorial August 14 entitled "Hornswoggling the Indians (cont.)." The editorial refers to a "strange" amendment adopted by an Appropriations subcommittee for an appropriations bill at a time when the rush is on to pass money measures before a deadline.

The amendment has nothing to do with appropriations. Rather, it would divide water rights in the Lake Tahoe and Truckee River basins and two adjacent water sheds according to a compact reached by the states of Nevada and California. The compact, the editorial notes, does nothing to protect the rights of the federal government and the Indian tribes in the affected area. "It has therefore been consistently opposed by the departments of Justice and the Interior in the last five administrations, Democratic and Republican. The rights at stake are substantial, since the compact would greatly reduce the flow of water into Pyramid Lake, which lies entirely within the reservation of the Paiute Indian Tribe and is the mainstay of the tribe's economy."

The Interior Department recently

wrote the Judiciary Committee, where the provision belongs, urging rejection of the compact unless language protecting the federal and Indian rights would be added. The appropriations subcommittee intervened with its amendment before the full Judiciary Committee could consider the compact. The **Post** editorial comments: "Seventeen years ago, while the California - Nevada pact was being negotiated, this newspaper characterized the process as 'hornswoggling the Indians.' Nothing has changed. Neither the federal government nor the Paiutes were party to the agreement, yet their rights will be severely diminished if it is approved by Congress." The paper concluded by urging the full Appropriations Committee, meeting that morning, to "strike the language approving the compact - which doesn't belong on a money bill in the first place ..." and do justice to the Indians.

Federal bingo reg's threaten sovereignty

Tim Giago, in his column in the **Lakota Times** of July 30, voiced the concerns of some tribal leaders that bingo issues present a serious threat to the sovereignty of tribes. Proposed legislation that would authorize federal regulation of reservation bingo games would constitute, Giago says, a surrendering of sovereign rights of self-government affecting all tribes - not just those who do in fact have bingo operations.

Giago wrote that tribal chairmen Roger Jourdain of the Red Lake Chippewa and Arthur Gahbol of the Mille Lacs Chippewa Tribes "expressed fear and concern that some Indian tribes with high stakes bingo and gaming operations on their reservations would be stampeded into supporting federal legislation without taking a careful look at all of the ramifications." Gahbol was quoted as saying, "we do not want to see them sacrifice their tribal sovereignty because they are afraid of losing gaming on their reservations." Jourdain's Red Lake Band passed a resolution opposing the proposed legislation. It states the bill violates the historical rights of the Indian tribes of self-government and is contrary to President Reagan's Indian policy statement and Congressional Public Law 93 - 638, the Indian Education and Self Determination Act.

Chippewas win \$10 million

President Reagan signed into law in July a bill that allows the payment of nearly \$10 million to Michigan's Saginaw Chippewa Indians for lands ceded to the government without just compensation in the early 1800's.

For your information

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Committee on Indian health**
P.O. Box 927
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(312) 228-5005

**American Indian Adoption
Resource Exchange**
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Pittsburgh, Penn. 15238
(412) 782-4457

**American Indian & Alaska
Native Periodicals Research
Clearinghouse**
Stabler Hall
University of Arkansas
33rd & University Ave.
Little Rock, Arkansas 72204

American Indian Bible Institute
100020 N. 15th Ave.
Phoenix, Az. 85021
(602) 944-3335

**American Indian Culture
Research Center**
P.O. Box 98
Blue Cloud Abbey
Marvin, S.Dak. 57251
(605) 432-5528

**American Indian Education
Policy Center**
Penn State University
320 Rackley Bldg.
University Park, Penn. 16803
(814) 865-1489

American Indian Film Institute
5805 Uplander Way
Culver City, Ca. 90230

American Indian Historical Society
1451 Masonic Ave.
San Francisco, Ca. 94117
(415) 626-5235

American Indian Horse Registry
Rt. 1, Box 64
Lockhart, Tx. 78644
(512) 398-6642

American Indian Law center
P.O. Box 4456
1117 Stanford, NE
Albuquerque, N.M. 87196
(505) 277-5462

**American Indian law
Students Association**
P.O. Box 4456, Station A
Albuquerque, N.M. 87196
(505) 277-5462

**American Indian Lawyer
Training Program, Inc.**
1712 N St., NW, 3rd floor
Washington, D.C. 20036

**American Indian Library
Association**
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Chicago, Illinois 60611
(312) 944-6780

American Indian Lore Assoc.
P.O. Box 9698
Anaheim, Ca. 92802

**American Indian Registry
For the Performing Arts**
3390 Barham Blvd., 208

Los Angeles, Ca. 90068
(213) 851-9874

**American Indian research
& Resource Institute**
P.O. Box 576, Gettysburg College
Gettysburg, Penn. 17325
(717) 337-6265

American Indian Scholarships
5106 Grand Ave., NE
Albuquerque, N.M. 87108
(505) 265-8335

**American Indian Science &
Engineering Society**
1310 College Ave., 1220
Boulder, Co. 80302
(303) 492-8658

American Indian Talent Society
2225 Cavell Ave. North
Golden Valley, Minn. 55427

**Association of American
Indian Physicians**
6805 S. Western, 504
Oklahoma City, Ok. 73139
(405) 631-0447

**Council of American
Indian Artists**
P.O. Box 5474
New York, New York 10163

Indian Arts & Crafts Assoc.
4215 Lead SE
Albuquerque, N.M. 87108
(505) 265-9149

**National American Indian
Cattleman's Assoc.**
Rt. 2 Box 2492
Toppenish, Washington 98948
(509) 854-1329

**National American Indian
Court Judges**
1000 Connecticut Ave, NW, 401
Washington, D.C. 20036
(202) 296-0685

**National Indian Council
on Aging**
P.O. Box 2088
Albuquerque, N.M. 87103
(505) 766-2276

Indian Social Workers Assoc.
1740 West 41st St.
Tulsa, Ok. 74107
(918) 446-8432

National Indian Business Assoc.
P.O. Box 8716, Station C
Albuquerque, N.M. 87108
(505) 299-9317

Nat. Indian Youth Council
318 Elm St., SE
Albuquerque, N.M. 87102
(505) 266-7966

Women of All Red Nations
P.O. Box 84905
1417 N. Drive 10
Sioux Falls, S. Dakota 57118
(605) 332-5347

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1951 Constitution Avenue, NW
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(202) 343 - 7163

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1600 Pennsylvania Avenue, NW
Washington, D.C. 20500
(202) 456 - 1414

Department of Agriculture
14th & Independence Ave., SW
Washington, D.C. 20250
(202) 447 - 2791

Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20201
(202) 245 - 3192

Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585
(202) 252 - 5000

**Department of Health & Human
Services**
Humphrey Bldg, 200
Independence Ave., SW
Washington, D.C. 20201
(202) 245 - 6296

**Department of Housing & Urban
Development**
451 7th Street, SW
Washington, D.C. 20410
(202) 755 - 5111

Department of the Interior
18th & C Sts., NW
Washington, D.C. 20240
(202) 343 - 7220

Department of Justice
10th & Constitution Ave., NW
Washington, D.C. 20530
(202) 633 - 2000

Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210
(202) 523 - 6666

Small Business Administration
1441 L Street, NW
Washington, D.C. 20416
(202) 653 - 6601

Department of the Treasury
15th & Pennsylvania Ave., NW
Washington, D.C. 20220
(202) 566 - 2111

**Select Committee on Indian
Affairs**
Room SH 838, Hart Senate Office
Bldg.
Washington, D.C. 20510
(202) 224 - 2251

**Committee on Interior & Insular
Affairs**
Room 1324, Longworth House
Office Bldg.
New Jersey & Independence
Aves., SE
Washington, D.C. 20515

Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460
(202) 382 - 2090

Commission on Civil Rights
1121 Vermont Ave, NW
Washington, D.C. 20425

Committee fails to draw quorum

Senator Mark Andrews, chairman of the Senate Select Committee on Indian Affairs, has threatened to recommend that the committee be abolished. His comment followed a failure of committee members to appear for a scheduled meeting to consider several Indian bills, including a bill to regulate gambling on Indian reservations. The lack of a quorum prevented any action.

"I'm not about to serve as chairman of a committee that is not functioning because staff can't get the members to show up," said Andrews. "Obviously, there is a lack of interest on the part of the members." Andrews said he had fought previous efforts to abolish the Indian affairs committee, but would change his mind if he is unable to get a quorum for a meeting after Congress returns from a three-week recess, Sept. 8. He said the committee has been plagued by quorum problems.

OMB opposes IHS increase

The following comments are excerpted from a statement sent to the House Appropriations Committee prepared by the Office of Management and Budget (OMB) and published in the July 31 **Congressional Record**:

"The strongly opposes the appropriation of \$836 million for Indian Health Services (IHS), an increase of \$114 million over the President's 1987 budget request of \$722 million. The Committee's mark ignores completely the cost savings that will result from on-going management improvements, such as changing the way the IHS pays for contract health service and more efficient collections from third parties. The Administration strongly objects to attempts to micromanage IHS's congressionally and legally sanctioned efforts to allocate its resources fairly and efficiently. The requirement to submit a detailed report to Congress before implementing IHS's new allocation methodology in 1987 will only delay efforts to tie resource allocations to Indian Health care needs. The Administration objects to new construction funding for Indian Health Facilities (IHF) in 1987. The Congress has already deferred \$14 million from the 1986 appropriations for IHF which, when added to the Committee's mark of \$55 million, would make \$69 million available for 1987. In particular, the Administration opposes the \$25 million proposed for sanitation hook-ups to individual Indian houses. These funds, if necessary, should be included with appropriations that fund Indian housing construction."

Potawatomi Scrapbook

'Catholics of Chicago' a Potawatomi goldmine

Col. Jean Beaubien

Col. Jean Baptiste Beaubien, picturesque civilian figure in the village days of Chicago. A native of Detroit, where he was born in 1787, he settled shortly after the Fort Dearborn massacre in Chicago and there took up and followed with success the occupation of Indian trader. In 1817 he purchased the Dean house, within the limits of the Fort Dearborn reservation, to which tract he afterwards laid claim, the litigation that thereupon ensued being a cause celebre among Chicago land - suits. The property at stake, embracing the city blocks between the River, the Lake, Madison and State Streets represented real estate holdings of fabulous value today. The chain of title of the Montgomery Ward and Company property at Michigan Avenue and Madison Street, originally (1839) purchased by Father O'Meara from the government as a second site for Saint Mary's Church, includes a quit - claim deed from Col. Beaubien, whose claim to the Fort Dearborn reservation was in the end definitely rejected by the U.S. Supreme Court.

(From "The Catholic Church in Chicago, 1673-1871," Loyola University Press, 1921)

Mark Beaubien

Mark, a younger brother of **Jean Baptiste Beaubien**, was also a notable figure in the pioneer stage of Chicago history. He came to the place in 1826 and after purchasing of **James Kinzie** a log - cabin which stood on the east side of Market Street a short distance south of Lake Street, built a frame addition to it in which he opened a tavern and hotel. The hotel bore the name of the **Sauganash** in honor of the mixed - blood Potawatomi chief, **Billy Caldwell**, to whom had been given the soubriquet of Sauganash or "Englishman." Besides the Beaubiens, there were among the Catholic residents of Chicago in 1833, **Antoine Ouilmette**, a settler there since 1790 and one of the first white men to take up his residence in the place; **Claude and Joseph Laframboise**, traders of mixed French and Indian blood, originally from Milwaukee; **Pierre le Clerc** (**Pierish Le Claire**), also Indian mixed - blood, who fought in the Fort Dearborn affair and in his capacity of interpreter arranged the terms of surrender; and **Daniel Bourassa**, whose cabin stood on the west side of the river a short distance south of the forks.

(Ibid.)

Father St. Cyr's church records

Father St. Cyr's baptismal, marriage and burial records, all contained in one register now resting in the parish archives of St. Mary's Church, Chicago, afford authentic information of his ministerial activities during his stay in Chicago. On May 22, 1833, he baptized George, son of **Mark Beaubien and Monique Nadeau**. This, as far as can be ascertained, is the first administration of the sacrament in Chicago attested by documentary evidence. Among the baptisms subsequently conferred by Father St. Cyr in Chicago were the following:

June 5, 1833, Caroline, daughter of **Jean Baptiste Beaubien and Josette Lafromboise**. Godparents: **John Whistler and Esther Bailly**.

June 5, 1833, Marguerite, daughter of **Solomon Juneau and Josette Vieau**. (Juneau was the founder of Milwaukee)

June 17, 1833, Francis, son of **Francis Bourbonnais and Hosetta Asham of Ottaway** (Ottawa).

August 30, 1833, Francois, son of **Joseph Laframboise and Jacquet Peltier**. Godparents: **Mark Beaubien and Josette Lafromboise**.

June 28, 1834, Joseph, son of **John Welsh and Marie Louise Wimette**. (This is the first person of Irish extraction whose baptism is recorded in Chicago.) **Marie Wimette (Ouilmette)** was a daughter of **Louis Ouilmette**. According to the Fergus Historical Series, 7: 56, art. "Chicago Marriages Recorded in Peoria Co.,," **John B. Beaubien** on May 11, 1830, married **Michael Welch or Welsh and Elizabeth Ouilmette**.

June 28, 1834, **Josette Beaubien**, wife of **Jean Baptiste Beaubien**. (**Josette Lafromboise**, wife of **Col. Beaubien**, was of mixed French and Ottawa blood.)

June 28, 1834, Alexander, son of **Jean Baptiste Beaubien and Josette Lafromboise**.

December 22, 1834, Robert Jerome Beaubien, son of **Jean Baptiste Beaubien**. Godparents: **Robert Kinzie and Gwenthalin Whistler**.

Baptized on April 20, 1837, by Father Schaeffer in Milwaukee, Wisconsin:

Matilda, daughter of **Solomon Juneau and Josette Vieau**;

Margaret Klark, 16 years of age "born amongst the Indians."

publications (HowNiKan, News Star and Countywide News) are true and accurate." John and Paula Schoemann also agreed "that a judgement for \$54,545.20 can be entered against them" and Schoemann will reimburse the tribe \$355.20 for funds spent on golf equipment.

The tribe, in return for Schoemann's agreement never to seek office or employment with the tribe, agreed not to execute on the judgement based on Schoemann's proven insufficient assets. Should Schoemann violate the settlement agreement the tribe has the capacity to execute for the amount of the judgement against him.

Schoemann

(from page one)

Barrett Refining wins award

Senator David Boren and Congressman Wes Watkins have announced award of a \$31 million Department of Defense jet fuel contract to Barrett Refining Corporation.

Barrett Refining, who last year was awarded the eighth largest Department of Defense JP-4 contract in the country, is the only independent oil refinery in the state of Oklahoma and the only American Indian, family owned refinery in the United States.

The refinery, located in Custer County, Oklahoma, is currently in its second year of business and employs 36 people. According to John A. Barrett, Jr., company president, plans are underway to expand product line.

Barrett, whose family founded Barrett Drilling Company, is also the elected chairman of the Citizen Band Potawatomi Tribe.

Native American Week Proposed

Senator Alan Cranston from California made a request recently to several other senators to co-sponsor Senate Joint Resolution 390, a joint resolution to authorize and request the President to proclaim the week of November 23 - 30 as "American Indian Week."

Historically the first mention of an American Indian Day was in 1915 at the annual conference of the Congress of the American Indian Association. Members of the association directed their president to proclaim the second Saturday of each May as American Indian Day. The first observance was on the second Saturday of May in 1916 in New York State. In recent years the last Friday of September has been observed in some places as American Indian Day. The last official national observance was when President Reagan proclaimed May 13, 1983 as American Indian Day.

Bingo

(from pg. 1)

would have been entitled to approximately 35 percent of the remainder, or an estimated \$491,105.

The 1982 EMCI management agreement was negotiated while John Schoemann was tribal administrator and managing the tribal bingo games. Schoemann was terminated July 7, 1983, for "insubordination" after failing to buy a cash register to keep a record of the proceeds of the bingo games under his direction. Schoemann was later employed for a short time by EMCI.

Under the 1982 management agreement, EMCI was also to provide the tribe with records showing the gross monthly profits of the bingo operation. The refusal of EMCI to provide these records is one of the reasons why the tribe, consistent with BIA advice, closed EMCI's bingo operation in the spring of 1984.

A resulting suit by EMCI was later dismissed with prejudice.

However, EMCI is still

operating bingo games on tribal land under an agreement - negotiated by former Chairman Leon Bruno - which has not been approved by the Department of the Interior and does not meet minimum guidelines established by the BIA.

EMCI does have BIA approval of a business lease of the tribal land. Under this lease, EMCI is to pay \$1,000 a month rent.

The tribe has no records indicating it ever received any rental payments from EMCI for the business lease until suit was filed against EMCI in May of this year. Shortly after the tribe filed suit, EMCI paid \$15,000 "under protest" allegedly for rent for the preceding 15 months and has subsequently deposited \$1,000 a month "rental" with the court.

U.S. District Court Judge Luther Bohannon has ordered EMCI to deposit the tribe's proceeds from the bingo game - an estimated \$170,000 to date - with the court pending outcome of the suit.